

Remarks

This is in reply to the official action of November 28, 2006.

Withdrawal of the restriction requirement is noted with appreciation.

The Examiner has rejected Claims "17-22, 26-33-34 37-39" under 35 U.S.C. 102 as being anticipated by Yano et al. (U.S. patent 6,167,681).

This rejection is not understood as the meaning of "26-33-34" is unclear. For purposes of argument it will be assumed that claims 17-22, 26-34 and 37-39 are subject to the rejection. The following arguments with respect to the 35 U.S.C. 102 rejection apply to all of these claims.

The rejection should be withdrawn.

The claims have been amended so that "the pressure element (23) is rod or bar shaped and extends substantially parallel to the heating device (22) and wherein the pressure element (23) is arranged such that it meets with a fold line (10,11) running in a longitudinal direction relative to the pressure element."

The Yano et al patent discloses or suggests no such limitation.

As stated in the present specification, on page 4 of the specification:

[0013] The object of the present invention is therefore to provide a sealing jaw with which a sealed and durable sealing seam can be produced, even when solid components of the in-filled product are trapped between the jaws that have to be moved towards one another.

[0014] This object is solved according to the invention by means of a sealing jaw with a sealing surface that is provided in order to come into contact with the heat-sealable material, and a rod or bar-shaped heating device that is provided in order to heat up the heat-sealable material, wherein a pressure element is provided on the sealing surface, projecting above said sealing surface, and distanced from the heating device. By means of this additional pressure element it is ensured that solid components such as, for example, fruit pulp, possibly found in the area of the right-angle sealing seam, are reliably divided through. Moreover, by means of the additional pressure element, the heat sealed seam is somewhat wider at the place on which the pressure element is positioned, which itself results in a reliable and durable seam even when there are solids present in the right-angle sealing seam."

And as further discussed on page 6, paragraph 0022 and 023:

[0022] The packaging webs used are usually provided with fold lines at which the packaging material is folded for producing the generally cuboidal package. Usually, longitudinal and right-angle fold lines are provided that form, *inter alia*, the right-angle and longitudinal edges of the cuboidal package in the case of the finished, filled and folded package.

[0023] Advantageously, the pressure element is substantially arranged such that it meets with the fold line running in the longitudinal direction when the packaging material is sealed, as the probability of a leak is at its greatest at this point.”

The cited Yano et al patent does not disclose or suggest any such arrangement for obtaining a more reliable seal in the area of fold lines.

It should be pointed out that claims having similar limitations have been granted in Europe over the currently cited Yano reference.

Claims 24-25 have been rejected under 35 U.S.C. 103 as being unpatentable over Yano in view of Palmquist et al.

Palmquist et al discloses or suggests nothing to cure the critical defects of Yano with respect to a pressure element (23) arranged such that it meets with a fold line (10,11) running in a longitudinal direction relative to the pressure element.” The rejection should be withdrawn.

Claim 23 has been rejected under 35 U.S.C. 103 as being unpatentable over Yano in view of Kisner et al. Again, Kistner et al discloses or suggests nothing to cure the critical defects of Yano with respect to a pressure element (23) arranged such that it meets with a fold line (10,11) running in a longitudinal direction relative to the pressure element.” The rejection should be withdrawn.

Claims 35 and 36 have rejected under 35 U.S.C. 103 as being unpatentable over Yano in view of Hilmersson et al. Again, Hilmersson et al discloses or suggests nothing to cure the critical defects of Yano with respect to a pressure element (23) arranged such that it meets

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with a fold line (10,11) running in a longitudinal direction relative to the pressure element.”

The rejection should be withdrawn.

In view of the foregoing amendments and remarks, it is submitted that all rejections should be withdrawn and all claims should be allowed which action is courteously requested.

Respectfully submitted,



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